

OPEN WARRANT MEETING

Wednesday, October 16, 1985

TOWN OFFICE BUILDING
Lower Hearing Room

7:30 P.M.

Warrant Committee recommendations
on all articles will be
made at Town Meeting.

Expected Additional Town Meeting Date

Tuesday, October 1985

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1985

SPECIAL TOWN MEETING
COMMONWEALTH OF MASSACHUSETTS

To either Constable of the Town of Sharon, Greeting:

In the name of the Commonwealth of Massachusetts you are hereby directed to notify and warn the inhabitants of the Town of Sharon qualified to vote in elections and Town affairs to meet at the Arthur E. Collins Auditorium at the Sharon High School on Pond Street in said Sharon on Monday, the 21st day of October, A.D. 1985, at 8:00 P.M., and there to act on the following articles:

ARTICLE 1. To see if the Town will vote to authorize the Selectmen:

A. To purchase, take by eminent domain or otherwise acquire for a municipal well or aquifer protection area, or both, any or all of the following parcels of land, situated in Sharon and now owned by SKANCO S-F Associates, a limited partnership:

1. Parcel 1, containing 22.6 acres, shown on a plan entitled "Proposed Land Swap between Town of Sharon, Massachusetts, and SKANCO S-F Associates" (SKANCO), or any portion thereof, subject to the right reserved unto SKANCO, and its successors and assigns, to pass and repass over said parcel, substantially as shown thereon;
2. Parcel 2, containing 72.0 acres, shown on the aforesaid plan, or any portion thereof, together with a right to regulate the level of water in Gavin's Pond; and
3. Suitable easements giving the Town access to such of the aforesaid parcels or portions thereof as shall be purchased, taken or otherwise acquired under the authority hereof.

B. To execute and deliver, either in complete or partial exchange or payment therefor, a deed or deeds conveying to SKANCO S-F Associates any or all of the following parcels of land owned by the Town:

1. Parcel A, containing 36.7 acres, shown on the

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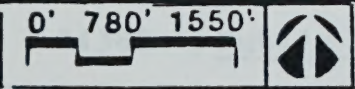
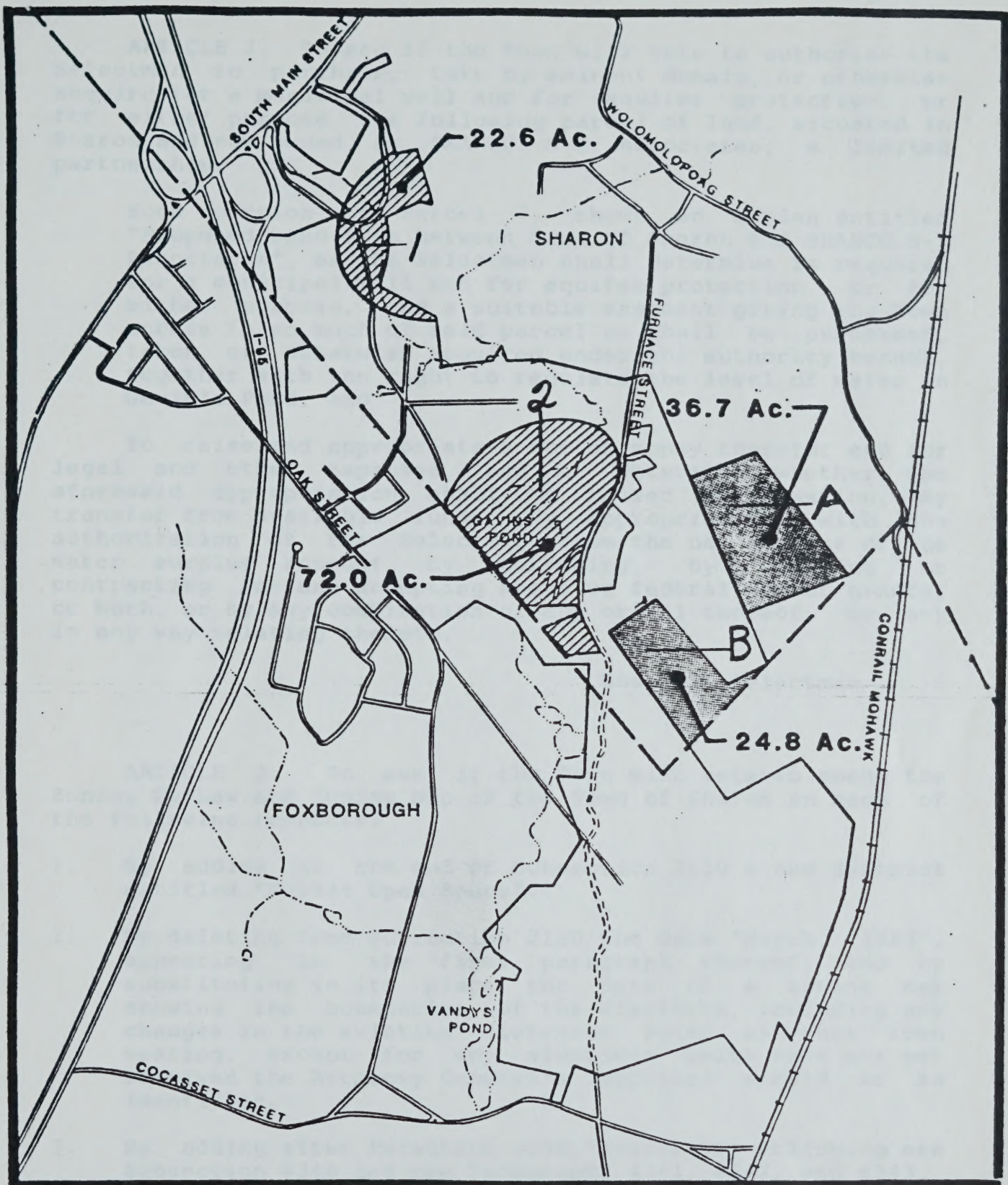
in 2022 with funding from



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aforesaid plan; and

2. Parcel B, containing 24.8 acres, shown on the aforesaid plan.
- C. Or sign, seal and deliver, for and in the name of the Town, an option agreement with SKANCO S-F Associates (hereinafter called "SKANCO") under the terms of which:
- (i) SKANCO would give the Town an option to accept from SKANCO a deed conveying to the Town any or all of the above parcels of land, owned by SKANCO, or any portion thereof, together with the right to regulate the level of water in Gavin's Pond, as well as suitable easements giving the Town access to the aforesaid parcels;
 - (ii) In exchange therefor, the Town would give SKANCO an option to have the Town execute and deliver a deed conveying to SKANCO any or all of the above parcels, owned by the Town; the option agreement and each of the said deeds to contain such restrictions, covenants and other terms as the Selectmen shall approve, their execution and delivery of the option agreement and the deed to SKANCO and their acceptance of the deed from SKANCO, to be conclusive evidence of their approval, and
- D. To raise and appropriate a sum of money for legal and other expenses, if the deed or deeds given by the Town are in complete exchange or payment for the land purchased, taken or otherwise acquired under authority hereof; or if the deed or deeds given by the Town are only in partial exchange or payment, to raise and appropriate a sum of money for the balance of the consideration and for legal and other expenses; or, if no land is given by the Town, to raise and appropriate a sum of money to pay for the land purchased, taken or otherwise acquired by the Town and for legal and other expenses; to determine whether the aforesaid appropriation shall be raised by taxation, by transfer from available funds, by appropriation, with the authorization of the Selectmen, from the net surplus of the water surplus account, by borrowing, by applying or contracting for and accepting state or federal grants, or both, or by any combination of any or all thereof, or act in any way relating thereto.

Board of Selectmen



POTENTIAL SWAP LANDS
TOWN OF SHARON OWNERSHIP 
SKANCO S-F OWNERSHIP 

ARTICLE 2. To see if the Town will vote to authorize the Selectmen to purchase, take by eminent domain, or otherwise acquire for a municipal well and for aquifer protection, or for either purpose, the following parcel of land, situated in Sharon and now owned by SKANCO S-F Associates, a limited partnership:

Such portion of Parcel 2, shown on a plan entitled "Proposed Land Swap between Town of Sharon and SKANCO S-F Associates", as the Selectmen shall determine is required for a municipal well and for aquifer protection, or for either purpose, and a suitable easement giving the Town access to so much of said parcel as shall be purchased, taken or otherwise acquired under the authority hereof, together with the right to regulate the level of water in Gavin's Pond; and

To raise and appropriate a sum of money therefor and for legal and other expenses, and to determine whether the aforesaid appropriation shall be raised by taxation, by transfer from available funds, by appropriation, with the authorization of the Selectmen, from the net surplus of the water surplus account, by borrowing, by applying or contracting for and accepting state or federal aid or grants, or both, or by any combination of any or all thereof, or act in any way relating thereto.

Board of Selectmen

ARTICLE 3. To see if the Town will vote to amend the Zoning By-Law and Zoning Map of the Town of Sharon in each of the following respects:

1. By adding at the end of Subsection 2110 a new district entitled "Public Open Space".
2. By deleting from Subsection 2120 the date "March, 1983", appearing in the first paragraph thereof, and by substituting in its place the date of a zoning map showing the boundaries of the districts, including any changes in the existing districts voted at this town meeting, except for any districts which have not yet received the Attorney General's approval should be so identified.
3. By adding after Paragraph 4338 thereof the following new Subsection 4340 and new Paragraphs 4341, 4342, and 4343.

"4340. Public Open Space Districts

The purpose of Public Open Space Districts is to encourage alternative housing choices within the Town of Sharon which

produce beneficial fiscal impacts and establish Public Open Space for the benefit of the residents of the Town of Sharon. Lots within Public Open Space Districts may be developed within the same manner as lots within Rural District 1. In addition, lots within Public Open Space Districts may be developed pursuant to a special permit granted by the Planning Board under Paragraphs 4341 through 4343.

4341. Special Permit Requirements in Public Open Space Districts

Special Permits for alternative residential development within Public Open Space Districts shall be granted by the Planning Board if the standards of this paragraph are met; and the amenities required by Paragraph 4342 and 4343 are provided.

(a) Uses:

Only single family residential use is permitted, but attached single family dwellings are allowed when screened from adjacent public ways. Accessory buildings serving the residents of more than one dwelling shall be allowed only if identified in the Special Permit. Accessory buildings and uses may include among other things: indoor and outdoor recreation facilities designed for the use of residents within the Special Permit development; maintenance, equipment, and storage areas not within the Water Resource District or Ground Water District; clubhouses, cabanas, stables, and shelters not within a Water Resource District or Ground Water District.

(b) Dimensional Requirements:

No dwelling units may be constructed within 100 feet of any lot line. The maximum number of attached dwellings in any single building shall not exceed five (5), and each attached dwelling shall have its own entrance and yard area. No habitable floor shall be located above the second floor. The maximum number of bedrooms within the Special Permit development shall not exceed two and one-half (2.5) for each acre of lot area, excluding land under water and bordering vegetated wetlands protected by the Massachusetts Wetlands Protection Act, General Laws Chapter 131, Section 40. The average number of bedrooms per dwelling unit shall not exceed two (2), and not more than 10% of the dwellings may be one (1) bedroom units. The dimensional requirements of this Subparagraph shall apply in place of Section 2400.

(c) Sedimentation Control

A Comprehensive Sedimentation and Erosion Control Plan shall be submitted to the Planning Board for approval

with the Special Permit Application and shall govern in place of Subsection 3350 if it includes reasonable measures for control of sedimentation and erosion.

(d) Rate of Development

Special Permit development within Public Open Space must demonstrate a beneficial municipal fiscal impact under subparagraph 4342(f). The Planning Board shall therefore approve a Development Schedule which shall govern in place of Section 3400 and be at least twice the rate of development otherwise permitted.

4342. Amenities

(a) The application shall submit a plan for preservation of open space, active and passive recreation, preservation of historic, archeological, and cultural resources, if any, protecting environmental resources, and establishing public open space in accordance with Paragraph 4343.

(b) The total area of Open Land, when aggregated with the Public Open Space described in Paragraph 4343, shall comprise at least seventy-five per cent (75%) of the total land area of the lot. Open Land shall include land not covered by buildings and pavement. A restriction enforceable by the Town of Sharon shall be recorded providing that such Open Land shall be permanently maintained as approved in the Special Permit.

(c) Nature trails, horse trails, and land set aside for conservation or passive recreational purposes shall be sited to form a cohesive system serving the residents of the Special Permit development and the residents of the Town of Sharon. Motorcycles and four wheel vehicles shall be excluded from the trails.

(d) A buffer of at least one hundred (100) feet shall be provided along all lot lines. Only driveways, utilities and underground appurtenances may be located in the buffer zone.

(e) A performance bond shall be provided to assure that all site amenities are provided in accordance with the Special Permit. The amount of the bond shall equal the estimated construction cost of the amenities.

(f) The applicant shall submit a fiscal impact analysis demonstrating that the anticipated real estate tax revenue from the Special Permit development will exceed the cost of municipal services required for residents of the Special Permit development.

4343. Public Open Space:

At least 20% of the Open Land preserved under Subparagraph 4342(b) shall be dedicated Public Open Space. The Public Open Space shall be conveyed to the Town of Sharon in the time and manner specified by the Special Permit."

4. To place in a Public Open Space District the parcel of land located on Dedham Street, Canton Street, Richards Street, Bullard Street, Montfern Avenue, and Edge Hill Road, presently owned by Mark Mistretta and John J. McHugh, Trustees of Apple Valley Real Estate Trust under a Declaration of Trust dated March 12, 1985, recorded at Norfolk Registry of Deeds on March 18, 1985, as Document No. 463591, shown on a plan dated April 25, 1985, drawn by Schofield Brothers, Inc., on file with the Sharon Town Clerk (the "Plan") and shown as Assessor's Sheet 126, Lots 4 and 5, Assessor's Sheet 139 Lot 9, and Assessor's Sheet 119 Lots 13 and 5-1, containing approximately 201.03, more or less, acres according to the Plan, and bounded and described as follows:

Beginning at the intersection of Dedham Street and Canton Street on the westerly side of Canton Street; thence;

Easterly by Canton Street 671.25 feet to the Chestnut Hill Cemetery; thence;

Southerly, easterly and northerly by the Chestnut Hill Cemetery 1115.08 feet to Richards Street; thence;

Southeasterly by Richards Street 217.20 feet; thence;

Southerly by land of Risch, 661.88 feet; thence;

Southeasterly by land of Reid and Gardner, 987.74 feet; thence;

Northeasterly by land of Gardner and Escobar 856.54 feet to Richards Street; thence;

Southeasterly and southerly partially by Richards Street and partially by Maskwonicut Street, 670.63 feet; thence;

Westerly by land of Quimby 390.84 feet; thence;

Southwesterly and southerly by land of Quimby, Selib, Andrews, Blumenstiel and Koistinen, 825.06 feet; thence;

Easterly by land of Koistinen 41.27 feet; thence;

Southerly by land of Bimbaum, Gallup and Spitale, 540.27 feet to Bullard Street; thence;

Westerly by Bullard Street 40.34 feet; thence;

Northwesterly by land of Allen, 183.32 feet; thence;

Westerly by land of Allen, Lennon, Algonquin Gas, Patsios, Lupi, Urban and Bryant 2493.80 feet to the southeasterly line of Montfern Avenue, thence;

Northwesterly by the southeasterly line of Montfern Avenue 1241.61 feet; thence;

Northeasterly by land of Flanagan 287.63 feet; thence;

Northwesterly by land of Flanagan 588.78 feet; thence;

Northeasterly, northwesterly, and southwesterly by land of Grant; 601.94 feet to Edge Hill Road; thence;

Northwesterly by Edge Hill Road 370.02 feet; thence;

Northeasterly and easterly by land of Irwin 795.51; thence;

Northwesterly and northerly by land of Irwin, Pratt and DeVasto 1092.31 feet to Dedham Street; thence;

Easterly by Dedham Street, 458.87 feet; thence;

Southerly and southeasterly by Lot 3 as shown on a plan by Schofield Brothers, Inc. date August 23, 1985, 380.00 feet; thence;

Northeasterly by lots 3, 4, 5, and 6 as shown on said plan, 841.54 feet; thence;

Northwesterly by said lot 6, 370.38 feet to Dedham Street; thence;

Northeasterly by Dedham Street 127.86 feet; thence;

Southeasterly by Lot 7 as shown on said plan, 439.41 feet; thence;

Northeasterly by lots 7 and 8 as shown on said plan 206.70 feet; thence;

Northwesterly, northeasterly, northerly, and westerly by said lot 8, 618.84 feet to Dedham Street; thence;

Northerly by Dedham Street, 198.90 feet; thence;

Easterly by the intersection of Dedham Street and Canton Street 105.70 feet to the point of beginning.

The above parcel contains approximately 201.03 acres.

Or take any other action with respect thereto.

Doris R. Bryant
Sharon Reid

ARTICLE 4. To see if the Town will vote to amend the Zoning By-Law in each of the following respects, or act in any way relating thereto:

1. By amending subsection 3322 by deleting the second paragraph thereof and by substituting in its place the following:

"All land within 100 feet of the following resource areas (as defined in G.L. c. 131, s. 40):

- (a) The normal high water mark of all ponds and lakes;
- (b) The top of the banks of all streams;
- (c) The land between the channels of braided streams; and
- (d) The edge of bordering vegetated wetlands."

2. By amending subsection 4541:

(i) by inserting after the word "engineer", appearing in clause (a), a comma followed by the words "engaged by the Town at the applicant's expense" and a comma;

(ii) by redesigning clauses (b), (c) and (d) as (d), (e) and (f);

(iii) by adding at the end of clause (a) the following clauses:

"(b) Water elevations and logs or borings driven to a minimum depth of 25 feet or refusal. At least two borings per acre at the location are required which shall be arranged to identify the direction and depth of groundwater flow.

(c) An engineering evaluation quantifying the impacts on the quality and quantity of groundwater."

3. By adding at the end of subsection 4541 a new subsection 4542 as follows:

"4542. Decisions. The Board of Appeals may consider a location within the surface water resources protection district to be insensitive provided that the applicant demonstrates that the location is not within the surface water shed of Lake Massapoag and that its groundwater is not part of the lake's groundwater regime. The Board of Appeals may consider a location within the groundwater resources protection district to be insensitive only if the applicant demonstrates that the location is underlain by soils having a transmissivity of less than 10,000 gallons per day per foot or that the location is separated from the aquifer serving as an existing or potential source of public water supply by an aquaclude or groundwater divide."

Planning Board

ARTICLE 5. To see if the Town will vote to amend the Zoning By-Law in each of the following respects, or act in any way relating thereto:

1. By amending subsection 2315 by adding at the end of clause (a)(4), the following (5):

"(5) In single residence, general residence, suburban, rural and housing authority districts, a major land division, which, for the purposes of this by-law, shall mean the submission to the Planning Board of a plan showing the division of a tract of land, in one ownership with definite boundaries, into ten or more lots, defined in G.L. c.41, s.81L, whether or not constituting a subdivision within the meaning of said c.41, s.81L; or the submission of a plan showing the division of a tract of land into less than ten lots if, within a period of two years preceeding the submission of the latter plan, a plan showing the division of an adjoining tract of land, held in common ownership at the time of the earlier submission, into less than ten lots, had been submitted to the Planning Board and the number of lots shown on both plans exceed ten."

2. By deleting section 4300 and by substituting in place thereof the following:

"4300. Major land division.

The submission to the Planning Board of a single plan showing a major land division, as defined in subsection 2315(a), that is, the division of a tract of land into ten or more lots or the submission of two plans, within a

two year period showing the division of two tracts of land, held in common ownership at the time of the earlier submission, into ten or more lots in the aggregate, and upon application, the Planning Board may, but in accordance with the following, grant a special permit.

4310. Application and Review Procedure

4311. To promote better communication and to avoid misunderstanding, applicants are encouraged to submit preliminary proposals for informal review before formal application. Upon request, the Planning Board shall arrange a meeting for such review, inviting the Board of Health, Conservation Commission, Town Engineer, and any other officials who might be helpful.

4312. Applicants for a Special Permit shall file with the Planning Board eight (8) copies of the following, to have been prepared by an interdisciplinary team including a Registered Land Surveyor, a Professional Engineer, and a registered architect or landscape architect.

(a) Two or more substantially different alternative development plans, conforming to the requirements for a preliminary subdivision plan under the Land Subdivision Rules and Regulations of the Planning Board. At least one alternative shall utilize the flexible development provisions. Such plans shall also indicate proposed topography and the results of recent deep soil test pits and percolation tests at the rate of one per every five acres, but in no case fewer than five per subdivision.

(b) An Environmental and Community Assessment as required by the Land Subdivision Rules.

(c) Any additional information necessary to make the assessments cited in Paragraph 4350 below.

4313. Copies of these materials shall be transmitted upon receipt to the Board of Health, Conservation Commission, Town Engineer, and any other agencies whose review is sought. Those agencies shall report on the proposal within 35 days of the referral, and the Planning Board shall make no decision upon the application until receipt of all such reports or until 35 days have lapsed since date of referral without them.

4320. Flexible Development. In Rural, Single Residence A, and Suburban Districts, the Planning Board may authorize Flexible Development within a Major Land Division, with reduced requirements for the area and

width of individual lots not having frontage on an existing public way, provided that the following are complied with.

4321. Every residential structure shall be constructed on an individual lot. Lot area and lot width shall not be less than the following:

District	Lot Area	Lot Width at Required Setback
Single Residence A and Rural Districts	20,000 sq. ft.	125 feet
Suburban	5,000 sq. ft. per dwelling unit, 40,000 sq. ft. minimum	150 feet

4322. All sites and structures of officially designated as being of national, state or local historical or architectural significance shall be maintained and preserved.

4323. The number of lots shall not exceed the number of lots (as defined by Article V) which could be developed under a conventional plan in full conformance with zoning and with the state and town sanitary codes for on-lot septic disposal systems including area and percolation requirements.

4324. Any proposed open land, unless conveyed to the Town of Sharon, shall be covered by a recorded restriction enforceable by the Town of Sharon providing that such land shall be kept in an open state and not developed for such accessory uses as parking or roadway. A minimum of 80 per cent of the open land shall be maintained as a Natural Vegetation Area.

4330. Density Bonus. The Board of Appeals may authorize a larger number of lots or dwelling units than allowed under paragraph 4323, based on the measures below provided that:

- (a) The number of lots shall not exceed 135 per cent of the number permitted by Section 4323.
- (b) No more units shall be located within any Water Resources Protection District than would have been there without bonuses.

4331. Bonus Determination. The Board of Appeals shall

base its decision in granting or denying bonuses on the following, unless it explains in its decision why unusual circumstances cause them to act otherwise. The Board of Appeals shall maintain such data as is necessary for making these determinations, and applicants shall submit calculations supporting their requests.

(a) Encourage permanent open space.

Bonus: 3/10ths times the per cent of land reserved as permanent open space in accordance with 4324 provided that all land within any Water Resource Protection District or Wetland or Water Supply Setback shall be included in the open space before any additional land is included. A minimum of 20 per cent of the open space shall be accessible to the general public.

(b)
~~4331~~. Enhance Visual Quality

Bonus: 0.35 dwelling units for each 100 feet of existing street frontage on accepted public ways in a Single Residence A district, and for each 175 feet of existing street frontage on accepted public ways in a Rural District which is abutted by 200 foot depth or more of buffer strip maintained as a Natural Vegetation Area.

~~4340~~. ⁴³⁴⁰. Multifamily Development. In suburban Districts, the Board of Appeals may grant a special permit for multifamily units, subject to the provisions of Section 4310 and the following:

4341. The number of dwelling units may equal the number of lots shown on a conventional plan increased by a percentage equal to the percentage of the total number of dwelling units in the development which are proposed to be in multifamily structures.
4342. Departure from the scale of single-family development shall be minimized through including not more than six dwelling units in a single structure, serving not more than a single unit through each building entrance, limiting building length to not more than two hundred (200) feet, and having parking areas individually contain not more than fifteen (15) parking spaces and being separated from all other parking areas by at least fifty (50) feet.
4343. Visual separation from nearby premises shall be assured through providing yards of at least fifty

(50) feet between any multifamily structure or parking area for more than six cars and the boundary of the development, and through use of outdoor lighting fixtures not higher than fifteen (15) feet.

4344. On-site disposal systems for multifamily dwellings shall be allowed only at locations where the percolation rate is ten (10) minutes/inch drop or faster and the maximum water table is eight (8) feet or more below natural grade.

4345. The total number of bedrooms in multifamily dwellings shall not exceed twice the allowable number of such dwelling units, counting studio units as one bedroom.

4346. No habitable space shall be above the second floor or below finished grade at its entire perimeter.

4350. Decisions

4351. Bonus and Multifamily Development.

The Board of Appeals shall consider the reports from Town boards and agencies, the design objectives specified at Section 4.1.2 of the Land Subdivision Rules and Regulations, the qualities for which density bonuses are awarded in Section 4331, hereof, and also the following:

- (a) It is desirable to decrease municipal costs and environmental impacts through reduction in the length of streets, utilities and drainage systems per dwelling unit served.
- (b) It is desirable to increase the scale of contiguous area assured of preservation in a natural state, off-street pathways and trails, recreation areas open at least to all residents of the development, and wilderness areas.
- (c) It is desirable to increase the length of frontage along existing public ways abutted by a buffer strip of 200 feet minimum depth that is assured of preservation in a natural state.
- (d) It is desirable to increase the number of scenic vistas created or preserved.
- (e) It is desirable to reduce the number of driveway openings onto existing streets, onto new streets having more than 20 dwelling units, or within 100 feet of roadway intersections.

- (f) It is desirable to increase vehicular safety by having fewer, better located or better designed egresses from the development onto existing streets.
- (g) It is desirable to increase the number of on-site septic disposal systems that are located outside any Water Resource Protection District, in areas where the percolation rate is highly favorable, the groundwater is deep, and slopes are moderate.
- (h) It is desirable to preserve environmental quality by providing for:
 - (1) Reduction of the total area over which vegetation is disturbed by cut or fill or displacement.
 - (2) Reduction in critical lands (slopes in excess of 15%; land within one hundred (100) feet of a water body, wetland, or stream; land having outstanding or rare vegetation) disturbed by construction.
 - (3) Reduction of the extent of waterways altered or relocated.
 - (4) Reduction in the volume of cut and fill for roads and construction sites.
 - (5) Increase in the scale of contiguous area assured to be preserved in a natural state.
 - (6) Reduction in the number of on-site disposal systems or amount of impermeable surfaces located within areas tributary to Lake Massapoag or a well or well development area.

A proposed flexible development with a density bonus or a multifamily development which meets all the requirements of the Zoning By-Law and other applicable controls and which is generally superior to conventional development based on the above may be granted a special permit for a density bonus (4330) or for a multifamily development (4340) unless, in comparison with development under a conventional plan, the flexible development with a density bonus or a multifamily development would create relatively serious hazard, traffic congestion, reduction in the use and enjoyment of adjacent properties, diminish water quality or quantity in any Water Resource Protection District, cause greater adverse environmental impacts.

4352. Flexible Development. The Planning Board shall consider the reports from Town boards and agencies, the design objectives specified at Section 4.1.2 of the Land Subdivision Rules and Regulations, the qualities for which density bonuses are awarded in Section 4331, hereof, and also the decision criteria of 4351.

A proposed development which meets all the requirements of the Zoning By-Law and other applicable controls and which is generally superior to conventional development based on the above may be granted a Special Permit for flexible development unless, in comparison with development under a conventional plan, the flexible development would create relatively serious hazard, traffic congestion, reduction in the use and enjoyment of adjacent properties, diminish water quality or quantity in any Water Resource Protection District, cause greater adverse environmental impacts.

4353. Major Land Division. The Planning Board shall approve or approve with conditions the alternative plan for a Major Land Division preferred by the applicant provided that it conforms with all requirements of the Zoning By-Law and the Land Subdivision Regulations. The Planning Board shall reject all alternatives if one or more of them fail to conform with all requirements of the Zoning By-Law or other applicable requirements, or the Planning Board determines that, in fact, a good faith effort has not been made by the applicant to utilize flexible development.

In determining whether the applicant has made a good faith effort to prepare an alternative plan that utilizes flexible development the Planning Board shall consider how the alternative plan conforms to the design objectives specified at Section 4.1.2 of the Land Subdivision Rules and Regulations, the qualities for which density bonuses are awarded in Section 4331, hereof, and also the decision criteria of 4351."

Planning Board

ARTICLE 6. To see if the Town will vote to amend Article 23 of the General By-Laws, Wetlands Protection, as passed under Article 39 of the April 30, 1980 Town Meeting, and as amended under Article 16 of the April 20, 1982 Town Meeting, by adding the following Section 9, or act in any way relating thereto:

"SECTION 9. In addition to the statutory fees required for filings under Massachusetts General Laws Chapter 131, Section 40, the Sharon Conservation Commission establishes the following fees for action under the Wetlands Protection By-Law:

- A. Request for determination of applicability, and its determination -- No Fee
- B. Filing an abbreviated Notice of Intent and resulting Order of Conditions or Notification of Non-significance -- \$15.
- C. Filing a Notice of Intent and resulting Order of Conditions or Notification of Non-Significance -- \$20. per acre of the entire parcel (governed by the deed recorded in the Registry and designated in the Notice of Intent). Acreage shall be as shown on Board of Assessors maps, rounded to the nearest acre -- minimum fee shall be \$20.
- D. Request for an extension permit and resulting permit -- \$15.
- E. Request for Certificate of Compliance and resulting certificate -- \$15.

Fees are payable by check to the Town of Sharon at the time of request or filing, and are not refundable. Town, county, state or federal projects are exempt from fees. The Commission, upon a majority vote, may waive the fees in the event of hardship.

Conservation Commission

ARTICLE 7. To see if the Town sill vote to raise and appropriate a sum of money for design, construction, installation and other associated costs for a municipal water corrosion control system, and determine whether the money therefor shall be provided by taxation, by transfer from available funds, by appropriation, authorized by the Selectmen from the Water Surplus Account, by borrowing, by any combination thereof, or act in any way relating thereto.

Board of Selectmen

ARTICLE 8. To see if the Town will vote to approve the Standard Waste Acquisition Agreement dated January 1, 1985 between the Town and SEMASS Partnership providing for the acquisition and disposal of the Town's trash, refuse and garbage, and to authorize and ratify the signing thereof by the Board of Selectmen, or act in any way relating thereto.

Board of Selectmen

ARTICLE 9. To see if the Town will vote to add to the General By-Laws Article 27 as follows, or act in any way relating thereto:

"Article 27. Underground Storage of Hazardous Materials and Regulated Substances

Section 1. Purposes

The purposes of this By-Law are, through regulation of the design, construction, installation, testing and maintenance of underground hazardous materials or regulated substances storage facilities, to protect public health from the contamination of public and private water supplies due to leakage from such facilities, to protect the public safety from the dangers of fire and explosion associated with such leakage, and to protect the general welfare by preserving limited water supplies for present and future use.

Section 2. Definitions

- 2.1 "Abandoned" means being out of service for a continuous period in excess of six months, in the case of a storage facility for which a license from the local licensing authority is required under the provisions of M.G.L. Chapter 148, Section 13, as amended, and for a period in excess of twenty-four months, in the case of any other storage facility.
- 2.2 "Cathodic protection" means a system that inhibits the corrosion of a tank or components through either the sacrificial anode or the impressed current method of creating a corrosion-inhibiting electrical current.
- 2.3 "Components" means piping, pumps and other related storage, conveyancing and dispensing elements that, together with one or more tanks and any cathodic protection or monitoring system, constitute a storage facility.
- 2.4 "Discharge" means the disposal, deposit, injection, dumping, spilling, leaking, incineration, or placing of

any hazardous material into or on any land or water so that such hazardous material or any constituent thereof any enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

- 2.5 "Effective date" means the date of which the By-Law is approved by a Town Meeting, provided the By-Law thereafter becomes effective under provisions of M.G.L. Chapter 40, Section 32, as amended.
- 2.6 "Hazardous material" means a product or waste or combination of substances which because of quantity, concentration, or physical, chemical or infectious characteristics, poses in the Board of Health's judgment a substantial present or potential hazard to the human health, safety or welfare, or the environment when improperly treated, stored, transported, used or disposed of, or otherwise managed. Any substance deemed a hazardous waste in Massachusetts General Laws, Chapter 21-C, shall also be deemed a hazardous material for the purposes of this By-Law.
- 2.7 "Leakage" or "leak" means any uncontrolled movement, measurable by a final or precision test that can accurately detect a leak of 0.05 gallons per hour or less, after adjustment for relevant variables such as temperature change and tank end deflection, of hazardous materials or regulated substances out of a tank or its components; or any uncontrolled movement of water into a tank or its components.
- 2.8 "Monitoring system" means a system installed between the walls of double-walled tanks, inside a tank, or in the vicinity of a tank for the purpose of early detection of leaks.
- 2.9 "Out of service" means not in use, in that no filling or withdrawal is occurring.
- 2.10 "Operator" means the lessee of a storage facility or the person or persons responsible for the daily operation of a storage facility.
- 2.11 "Owner" means the person or persons or government entity having legal ownership of a storage facility.
- 2.12 "Regulated substance" is any substance defined in Section 101 (14) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (but not including any substance regulated as a hazardous waste and under Subtitle C of the Solid Waste Disposal Act); and petroleum, including crude oil or any fraction thereof which is liquid at standard conditions of temperature and pressure (60 degrees Fahrenheit and 14.7

pounds per square inch absolute).

- 2.13 "Storage facility" means one or more underground storage tanks, at a particular site, together with its or their components, used, or designed to be used, for the underground storage of hazardous materials or a regulated substance, and shall include any cathodic protection or monitoring system used, or designed to be used, for inhibiting or detecting leaks of hazardous materials or a regulated substance from any element of the facility.
- 2.14 "Tank" means any structure or any part thereof which is used, or designed to be used, for the underground storage of any hazardous material or regulated substance of any kind.
- 2.15 "UL-listed" means included in a current list or report of approved equipment, materials or methods published by Underwriters Laboratories, Inc.
- 2.16 "Underground storage tank" is defined as any one or combination of tanks, including underground pipes connected thereto, which has a total capacity of 300 gallons or greater and is used to contain an accumulation of petroleum products, hazardous or regulated substances, and the volume of which (including the volume of the underground pipes connected thereto) is 10 per cent or more beneath the surface of the ground. This definition excludes the following types of underground storage systems:
1. Septic tanks;
 2. Surface impoundments, pits, ponds, or lagoons;
 3. Storm water or wastewater collected systems;
 4. Flow-through process tanks;
 5. Liquid traps or associated gathered lines directly related to oil or gas production and gathering operations;
 6. Storage tanks situated in an underground area (such as a basement, cellar, mineworking, shaft, or tunnel) if the tank is situated upon or above the surface of the floor;
 7. Pipe line facilities (including gathering lines) regulated under (a) the Natural Gas Pipeline Safety Act of 1968; (b) the Hazardous Liquid Pipeline Safety Act of 1979; or (c) which is an intrastate pipeline facility regulated under State Laws.
- 2.17 "Water supply" means any existing or potential source of potable water, including both groundwater and surface water.

Section 3. Proximity to Water Resources

3.1 The installation of new underground storage tanks containing hazardous or regulated substances within 1,000 feet or the 7-day cone of influence, whichever is more, of a public water supply well ~~or within the tested cone of depression of a public water supply well, whichever is less~~, or within a Water Resources Protection District, as that term is defined in the Town's Zoning By-Law, unless a special permit is obtained from the Zoning Board of Appeals granting an exemption from the requirements of Section 4500 of the Zoning By-Laws, is prohibited.

3.2 Six months from the effective date of this By-Law, the Board of Health will require the installation of one or more groundwater observation wells at any site where existing storage of hazardous or regulated substances underground are within 1,000 feet or the 7-day cone of influence, whichever is more, of a public or private water supply well or the tested cone of depression, whichever is less.

3.3 All new tank installations within four feet of seasonal high groundwater table or within one hundred feet of a surface water body shall be of fiberglass construction, and if so determined by the Board of Health, be vaulted or anchored.

Section 4. Permits

New Storage Facilities

4.1 Subsequent to the effective date of this By-Law, no storage facility of 300 gallons or more shall be installed unless the owner shall have first obtained a permit from the Board of Health and a special permit is obtained from the Zoning Board of Appeals granting an exemption from the requirements of Section 4500 of the Zoning By-Laws. This permit shall be in addition to any license or permit required by M.G.L. Chapter 148, as amended, or by any regulations issued thereunder. The fee for this initial permit, payable to the Town of Sharon, shall be fifty dollars (\$50.).

if proposed to be installed in a Water Protection District,

4.2 The application for a permit shall be on a form obtained from the Board of Health and shall include the following information and any other information that the Board may require:

- a. name, address and telephone numbers (day and night) of the owner;
- b. name, address and telephone numbers (day and night) of the operator;
- c. the number of tanks in the proposed facility and the capacity and contents of each proposed tank;

- d. the proposed type of construction for each tank and its piping, together with the tank's UL serial number, if any, and a description of any provisions made for cathodic protection, electrical isolation, and early detection of leaks through a monitoring system; and
 - e. the depth below ground level of the lowest and highest points of each proposed tank.
- 4.3 In a storage facility with more than one proposed tank, the applicant shall furnish a certificate, signed by a certified Registered Professional Engineer, that the proposed facility meets all the design and construction requirements of this By-Law.
- 4.4 The applicant shall also furnish a plot plan of the site and the area surrounding it, showing the location of each proposed tank and its components and of any building on the site, and showing the approximate location of any public or private well and of any body of surface water within 500 feet of the proposed storage facility.
- 4.5 If the Board of Health determines that the proposed storage facility constitutes a danger to a public or private water supply, whether by reason of its proximity to a public or private well, aquifer, recharge area, or body of surface water, or for any other reason, the Board may deny the permit or may grant it subject to conditions which the Board determines are necessary to protect such water supply. The conditions may include, but are not limited to, such requirements as, for example, a double-walled tank or other secondary containment system, a monitoring system, testing at more frequent intervals than would otherwise be required under Section 8, or continuing independent leak detection statistical analysis of daily inventory records.

Existing Storage Facilities

- 4.6 The owner of every storage facility that has been installed prior to the effective date of this By-Law shall apply to the Board of Health, within six months of the effective date of this By-Law for a permit to maintain the storage facility. Application shall be made on a form obtained from the Board of Health and shall include, to the extent available to the owner, the following information:
- a. name, address and telephone number (day and night) of the owner;
 - b. name, address and telephone numbers (day and night) of the operator;

- c. the number of tanks in the facility and the capacity and contents of each tank;
 - d. the type of construction for each tank and its piping, together with a description of any provisions made for cathodic protection, electrical isolation, and early detection of leaks through a monitoring system;
 - e. the depth below ground level of the lowest and highest points of each tank;
 - f. the date of installation of each tank; and
 - g. a description of any previous leaks, including approximate dates, causes, estimated amounts, any cleanup measures taken, and any measures taken to prevent future leaks.
- 4.7 The owner shall also furnish evidence of the date of installation. Such evidence may include, but is not limited to, a copy of any license issued by the local licensing authority or of any permit issued by the head of the local fire department (hereinafter, the fire chief). If no substantial evidence of the date of installation is supplied, the tank shall be presumed to have been installed twenty years prior to the effective date of this By-Law.
- 4.8 The applicant shall also furnish a plot plan of the site and of the area surrounding it, showing the approximate location of each tank and its components and of any building on the site, and showing the location of any public or private well and of any body of surface water within 500 feet of the storage facility.

Replacement and Substantial Modification

- 4.9 The term "substantial modification" shall mean the installation of any addition to, or change in, a storage facility that alters its onsite storage capacity, significantly alters its physical configuration, or alters its capacity to inhibit or detect leaks through the use of cathodic protection or a monitoring system or any similar device.
- 4.10 There shall be no replacement of a tank or of its components or substantial modification of any storage facility unless the owner has first applied for and obtained approval in writing from the Board of Health. The Board shall keep a copy of its approval with the records for that storage facility.
- 4.11 Any application for approval under Subsection 4.10 shall be in writing and shall clearly describe the type of

construction of any replacement tank or component or the modification that is proposed.

- 4.12 Any application to add cathodic protection to an existing storage facility using one or more steel tanks shall be accompanied by a design plan prepared by an engineer licensed by the National Association of Corrosion Engineers or by another qualified professional engineer as approved by the Board of Health, the plan to include provisions for a test box to allow measurement of electrical potential and current flow.
- 4.13 If the Board of Health determines that the proposed replacement or modification constitutes a potential danger to a public or private water supply, whether by reason of its proximity to any public or private well, aquifer, recharge area or body of surface water, or for any other reason, the Board of Health may deny the application or approve it subject to conditions that the Board determines are necessary to protect such public or private water supply.
- 4.14 No replacement or substantial modification shall be made except by a contractor who has either been licensed by state authorities for work on underground storage facilities or has been certified by the manufacturer or a petroleum equipment association as qualified for that purpose.

Renewal of Permits and Changes of Ownership

- 4.15 The owner of any new or existing storage facility for which a permit has been issued under this section must apply to the Board of Health for a renewal of the permit at five year intervals from the date on which the original permit was granted. The fee for renewal of such permit payable to the Town of Sharon shall be fifty dollars (\$50.). The application for renewal must include any changes in the information required under Section 4.2 and 4.6. No application for renewal may be denied except for violations of this By-Law and in accordance with the procedural requirements of Subsection 11.2, so long as the applicant is the holder of a special permit granted by the Board of Appeals exempting the site from the requirements of Section 4500 of the Zoning By-Law.
- 4.16 The owner of any storage facility shall within ten calendar days notify the Board of Health of any change in the name, address or telephone numbers of the owner or operator. In the case of any transfer of ownership, the new owner shall be responsible for notification.

Section 5. Design and Construction

- 5.1 All new and replacement tanks shall be designed and constructed to minimize the risk of corrosion and leakage. Only the following tank construction systems shall be approved.
- a. UL-listed fiberglass reinforced plastic (FRP) tanks, using materials compatible with the product to be stored therein.
 - b. UL-listed steel tanks provided with cathodic protection, a coal-tar epoxy or urethane coating and electrical isolation, and equipped with a test box to allow measurement of electrical potential and current flow.
 - c. UL-listed steel tanks with bonded fiberglass coating, compatible inner corrosion-resistant lining and electrical isolation, the integrity of the outer coating to be verified by the manufacturer by electrostatic testing and guaranteed by the manufacturer;
 - d. UL-listed double-walled steel tanks with cathodic protection or bonded fiberglass coating, and with electrical isolation, a vacuum of air pressure in the interstitial space and provision for continuous monitoring of the vacuum or air pressure; and
 - e. any other "state-of-the-art" type of tank construction providing equal or better protection against leakage than the above-mentioned tanks and approved by the state fire marshal.
- 5.2 All new and replacement tanks must be equipped with a metallic or nonmetallic striker plate, at least 12" x 12" in area, at least $\frac{1}{4}$ " thick, and attached to the bottom of the tank, under each opening.
- 5.3 All new and replacement piping of a storage facility shall:
- a. be protected against corrosion by use of noncorrodible materials or by use of cathodic protection and electrical isolation and be compatible with the product to be stored in the facility; and
 - b. be designed, constructed and installed so as to allow testing for tightness or replacement without the need for disturbing elements of the storage facility other than the elements that are to be tested or replaced.
- 5.4 The operator of a storage facility shall record, at least monthly, the negative voltage of every cathodic protection system, equipped with a test box, that is part of

that facility. In addition, the owner shall have every cathodic protection system inspected and tested, by a qualified person, at least annually. If any such system does not have adequate negative voltage, or is otherwise defective, the owner shall have the system repaired promptly by a qualified person. For purposes of this Subsection, the term "adequate negative voltage" shall mean a negative voltage of at least .85 volts, if a copper-copper sulfate reference electrode is used; and of at least 1.95 volts if a zinc reference electrode is used. Reference electrodes shall be installed in accordance with the manufacturer's directions.

- 5.5 All submersible pumping systems for new tanks used to store automotive fuel shall be equipped with emergency shut-off valves under each dispenser and with delivery line leak detectors. The shut-off valves and leak detectors shall be tested by a qualified person upon installation and at least annually thereafter. No suction pumping system shall be equipped with any check valve in the piping except at the tank end, and any such check valve shall be so installed that it may be tested or replaced without disturbing other elements of the storage facility.
- 5.6 Every new tank shall be equipped with an overfill prevention system. If a tank is filled by gravity flow, it must be equipped with a float vent valve or other device that provides equal or better protection from overfilling. If the tank is filled under pressure, it must be equipped with a combined audible and visual high level alarm. Any such system shall be tested by a qualified person upon installation and at least annually thereafter.
- 5.7 Every monitoring system shall be installed by a qualified person. Those equipped with an automatic audible or visual alarm shall be tested by a qualified person upon installation and at least annually thereafter. Those without such an automatic alarm system shall be checked by the operator for evidence of leak at least monthly and shall be inspected by a qualified person at least annually.

Section 6. Installation

- 6.1 No new or replacement tank or component shall be installed, whether it is part of a new or existing storage facility, unless the owner has given at least one week's notice of its installation to the fire chief, and no new or replacement tank or component shall be buried or concealed until it has been inspected for damage and external defects, tested for tightness under

Subsection 6.5 and approved by the fire chief or the chief's designee.

- 6.2 No new or replacement tank or component shall be installed except by a contractor who has been either licensed by state authorities for that purpose or certified in writing by the manufacturer or a petroleum equipment association as qualified for the purpose.* The contractor shall, prior to any installation, submit to the fire chief a copy of such license or certificate.
- 6.3 The installation of a new or replacement tank or component, including anchoring of the tank whenever water-saturation of any part of the excavation can reasonably be anticipated, shall be carried out in accordance with the manufacturer's recommendations, accepted engineering practices and the provision of 527 CMR 9.06 (17)(b-d), as amended; provided that the backfill material for FRP tanks shall be pea gravel or crushed stone and that the backfill material under all other tanks shall be either pea gravel or clean, noncorrosive sand, free of cinders, stones and any other foreign material, the material under the tank to be compacted and contoured to the shape of the tank before the tank is installed, the balance to be thoroughly compacted.
- 6.4 Any damage to the exterior of a tank or its coating shall be repaired before the tank is covered. The fire chief shall notify the Board of Health of such repaired damage, and the Board shall make note of it in its records for that tank.
- 6.5 Every new or replacement tank and its piping shall be tested, separately, at the owner's expense, prior to being buried. The tank shall be tested by air pressure at not less than 3, and not more than 5, pounds per square inch. The piping shall be tested hydrostatically to 150 per cent of the maximum anticipated pressure of the system or tested pneumatically, after all joints and connections have been coated with a soap solution, to 100 per cent of the maximum anticipated pressure of the system, but not less than 50 pounds per square inch at the highest point of the system. After the tank and piping have been fully buried, any paving installed and the tank filled with product, the tank and its piping shall be again tested, separately, at the owner's expense. The tank shall be tested by any final or precision test, such as the Kent-Moore Pressure Test, or any other testing system approved by the Board of Health, not involving air pressure, that can accurately detect a leak of 0.05 gallons per hour or less, after adjustment for relevant variables such as temperature change and tank end deflection, and that is approved by the state fire marshal. The piping shall be tested hydrostatically

to 150 per cent of the maximum anticipated pressure of the system. The owner shall furnish the Board of Health with a certified copy of the results of all testing required by this Subsection, which the Board of Health shall keep with the records for the storage facility.

Section 7. Inventory Control

7.1 The provisions of this section shall not apply to a tank with a capacity of less than 300 gallons except for tanks used to store a liquid petroleum product for retail sale or used to store waste oil or other waste petroleum products.

7.2 Except as provided in Subsection 7.1, the operator of every new and existing storage facility shall prepare, reconcile and maintain daily inventory control records for each tank and for each combination of interconnected tanks with a common level of product (hereinafter, a combination), for the purposes of prevention and early detection of leaks. The preparation reconciliation and maintenance of such records shall be done in accordance with the provisions of 527 CMR 5.05(3), as amended, with the following additions and modifications:

- a. At the close of each calendar month, the operator shall determine, for that month and for each tank or combination, the number of days in which any amount of product was dispensed and the number of days in which a loss of product was recorded.
- b. An "abnormal loss of product" shall mean a loss recorded on 70% or more of the days, during any calendar month, in which any amount of product was dispensed from a tank or combination.
- c. In the event of any abnormal loss of product, the following steps shall be taken:
 - (i) the operator shall, immediately via telephone, notify the owner, the fire chief and the Board of Health, and follow up with a confirming letter within twenty-four hours;
 - (ii) The owner shall, within three calendar days, have the steps taken, for that tank or combination and its components, that are outlined in Subsection 8.1; or
 - (iii) the owner shall, within three calendar days, submit the daily inventory records of that tank or combination, for that month, for a leak detection statistical analysis by any professionally qualified person who has been approved by

the Board of Health; and the person performing such analysis shall promptly submit certified copies of the results to the Board of Health or its designated agent, and to the owner; and if the Board of Health, on the basis of such results, determines that there is a probability of a leak in that tank or combination, or in its components, the Board shall so notify the owner, who shall, within 3 calendar days, have the steps taken that are outlined in Subsection 8.1 with respect to that tank or combination and its components.

- d. An "abnormal gain of water" shall mean a gain in the water level inside any tank of more than one (1) inch in a twenty-four hour period during which no product has been added.
- e. In the event of any abnormal gain of water, the owner shall, at the owner's expense, have the water removed from the tank and disposed of in a manner approved by the Department of Environmental Quality Engineering (DEQE) and have the water level checked twenty-four hours later, during which time no product shall be added. If there is again an abnormal gain of water, the owner shall promptly have the steps taken that are outlined in Subsection 8.1.
- f. Apart from abnormal gains of water, the owner of any tank in which water has accumulated to a depth of three (3) inches or more, shall, at the owner's expense, have the water removed and disposed of in a manner approved by DEQE.
- g. For every storage facility covered by the inventory control requirements of this section, the owner shall, at least annually and at the owner's expense, submit the daily inventory records of the most recent calendar month for a leak detection statistical analysis by any professionally qualified person who has been approved by the Board of Health for that purpose. The person performing such an analysis shall promptly submit certified copies of the results of that analysis to the owner and to the Board of Health. The Board shall keep its copy with the records of that facility. If the Board determines, on the basis of that analysis, that there is a probability of a leak from any tank or its components in that facility, the owner shall, within three working days, take the steps outlined in Subsection 8.1 with respect to that tank and its components; or, in the case of a combination, with respect to each tank and its components.

- h. The Board of Health, in addition to the fire chief and state public safety officials, shall have access to all inventory records required by this section.

Section 8. Testing for Tightness

- 8.1 If the probability of a leak is indicated by inventory control procedures under Section 7 or by a monitoring system or by a line leak detector or by the malfunctioning of a suction pump or by the presence of product or product fumes in the surrounding area, or otherwise, the owner shall, within seven calendar days, have the following steps taken, at the owner's expense:
 - a. have the readily accessible physical facilities on the premises carefully inspected for evidence of leakage;
 - b. if the inspection does not confirm a leak, and if the piping can be tested without the need for excavation, have the piping tested in accordance with the provisions of Subsections 8.10-8.11;
 - c. if that testing fails to confirm a leak or if the piping cannot be tested without excavation, have the tank tested in accordance with the provisions of Subsections 8.10-8.11;
 - d. if that testing fails to confirm a leak, excavate and have the piping tested, in accordance with the provisions of Subsections 8.10-8.11.

If the inspections and testing outlined above fail to confirm a leak and if there is continuing evidence of a probable leak, the Board of Health may order the owner and operator to take the steps outlined in Section 9.

In the case of a combination of interconnected tanks, each tank and its components shall be tested separately.

- 8.2 If any of the testing specified in Subsection 8.1 discloses a leak, the operator and owner shall comply immediately with the requirements of Section 9, and the Board of Health may direct the owner, at the owner's expense, to have all other tanks on the premises and their components tested in the same manner.
- 8.3 The provisions of Subsections 8.4-8.7, inclusive, shall not be applicable to any storage facility to which the inventory control provisions of Section 7 are applicable and shall not be applicable to any other storage facility consisting exclusively of one or more double-walled tanks, each equipped with a monitoring system, together

with an automatic audible or visual alarm, between the two walls.

8.4 The owner of every existing storage facility that does not satisfy the design requirements of Section 5 shall have each tank and its piping tested, at the owner's expense, during the fifth, tenth, ~~fifteenth~~, eighteenth, and twentieth years after installation and annually thereafter.

thirteenth, sixteenth

8.5 If the owner of any existing storage facility, pursuant to the provisions of Subsections 4.9-4.14, provides cathodic protection and electrical isolation for each tank in the facility, subsequent testing requirements shall be in accordance with the provisions of Subsection 8.6.

8.6 The owner of every kind of new tank permitted under Subsection 5.1 and the owner of every existing tank that satisfies all of the design requirements of Section 5 shall have the tank and its piping tested, at the owner's expense, every seven years following the date of installation during the first fourteen years of existence and at two year intervals thereafter.

~~8.7 The Board of Health may postpone the required testing of a tank and its piping, as required under Subsections 8.4 and 8.6, until the fifth year prior to the mean age to leak as established to the Board's satisfaction by a method of predictability analysis that is based upon, at a minimum, the following factors: soil resistivity, soil pH, soil moisture; tank size; type of backfill; height of water table; tank depth; and the presence or absence of sulfides in the soil. After the initial testing, the tank and its piping shall be tested at two year intervals, at the owner's expense.~~

8.7 With respect to any tank to which the inventory control requirements of Section 7 are applicable, the Board of Health shall require the owner to have it and its piping tested promptly, at the owner's expense, whenever the operator fails to maintain the daily inventory records properly or fails to perform the required monthly calculations of abnormal loss, or whenever the owner fails to comply with the annual leak detection statistical analysis requirement under Paragraph g of Subsection 7.2.

8.8 The Board of Health may require the owner of any existing tank to have it and its piping tested, at the owner's expense, in any case in which the owner has failed to make timely application for a permit as required under Section 4.

9
8.9 Except for testing performed on a tank and its piping

prior to their being covered, a tank shall be tested by any final or precision test, such as the Kent-Moore Pressure Test or equivalent, not involving air pressure, that can accurately detect a leak of 0.05 gallons per hour or less, after adjustment for relevant variables such as temperature change and tank end deflection, and that is approved by the state fire marshal. Piping shall be tested hydrostatically to 150 per cent of the maximum anticipated pressure of the system.

- 8.10 All tests shall be administered by qualified persons approved by the Board of Health, and any such person shall notify the Board of Health prior to administering a test.
- 8.11 The person performing any test under this section shall promptly supply the owner, the Board of Health and the fire chief with certified copies of all test results for a tank and its piping. The Board shall keep its copy with the records of that storage facility.

Section 9. Response to Leaks

- 9.1 In the event of a leak, whether determined by testing or otherwise, the following steps shall be taken:
- a. the operator shall immediately notify the owner, the fire chief and the Office of Incident Response of the Department of Environmental Quality Engineering (OIR-DEQE);
 - b. the owner shall promptly verify that the fire chief and OIR-DEQE have been notified and shall notify the Board of Health;
 - c. if testing has confirmed that the source of the leak is the piping for a particular tank, the operator shall take that tank out of service immediately;
 - d. if testing has confirmed that the source of the leak is a particular tank, the operator shall within twenty-four hours cause that tank to be emptied of all its product;
 - e. if testing has failed to determine the source of the leak within a storage facility, the operator shall within twenty-four hours cause the entire storage facility to be emptied of its product.
- 9.2 Until the arrival of a representative of OIR-DEQE, the fire chief shall take charge of all emergency containment procedures and shall verify that all steps required under Subsection 9.1 have been taken.
- 9.3 The owner, the fire chief and the Board of Health shall

cooperate with OIR-DEQE in all efforts to identify the source of the leak, to contain it, and to restore the environment, including any groundwater or surface water that may have been contaminated by the leak, to a condition and quality acceptable to DEQE.

9.4 The Board of Health shall determine whether any tank or its components that have been identified as the source of a leak shall be removed and replaced or may be repaired, and shall notify the owner and the fire chief of its decision. In making its decision the Board shall be governed by the following conditions on the repair, by relining, of any steel tank:

- a. it must have a minimum design shell thickness of 0.18" (7 gauge);
- b. it must have no open seam or split;
- c. it must have less than 10 holes with none larger than one-half inch in diameter and no more than 2 within a 1 foot radius; and
- d. it must meet all the standards of the lining manufacturer for structural soundness.

Adherence to the above conditions shall be determined after the interior surface of the tank has been peened by a hammer.

9.5 If the Board permits the repair of any leaking tank, the Board shall require that the tank and its piping be tested, at the owner's expense and in accordance with the provisions of Subsections 8.10 and 8.11, prior to being restored to service, at two year intervals for ten years and annually thereafter.

9.6 Any repair of a tank or replacement or repair of components shall be performed by qualified technicians following the manufacturer's directions and, in the case of relining of a steel tank, following the recommendations of American Petroleum Institute Publication #1631 First Edition, 1983 or any subsequent edition as it may appear.

9.7 If the Board of Health determines that a tank and its components shall be removed, the owner shall first obtain a permit from the fire chief, pursuant to M.G.L. Chapter 148, Section 38-A, as amended. Any removal shall be completed within fourteen calendar days after the Board of Health has notified the owner of its decision.

9.8 The owner shall be responsible for all costs of reclaiming, recovering and properly disposing of any product that has leaked and for all costs of restoring the

environment, including any groundwater or surface water that has been contaminated, to a condition and quality acceptable to DEQE.

Section 10. Tanks Abandoned or Temporarily Out of Service

- 10.1 If the owner of a tank, which either is located under a building and cannot be removed from the ground without first removing the building or is so located that it cannot be removed from the ground without endangering the structural integrity of another tank, decides to abandon it, the owner shall promptly notify the fire chief and the Board of Health of this decision and, subject to the directions of the fire chief, have all the product removed from the tank, by hand pump if necessary, and the tank filled with sand or other inert material prescribed by the fire chief.
- 10.2 Except as provided in Subsection 10.1, no tank may be abandoned in place. Any owner of a tank who has decided to abandon it and any owner of a tank that has in fact been out of service for a period of ~~time~~ constituting abandonment, as defined in Subsection 3.1, shall immediately obtain a permit from the fire chief pursuant to M.G.L. Chapter 148, Section 38-A, as amended, and subject to the directions of the fire chief, have any product removed from the tank, all tank openings properly secured and the tank removed from the ground. The product and tank shall be disposed of, at the owner's expense, as directed by the fire chief.
- 10.3 The owner of a tank, which is licensed under M.G.L. Chapter 148, as amended, and which the owner has decided to take out of service for a period of less than six months, shall promptly notify the fire chief and the Board of Health of the decision and, subject to the directions of the fire chief, have all the product removed from the tank and disposed of as directed by the fire chief, all tank openings properly secured, and the tank filled with water. Before any such tank may be restored to service, the owner shall notify the fire chief and the Board of Health, and have the water removed and disposed of in a manner approved by DEQE. The Board of Health may require that the owner have the tank and its piping tested, at the owner's expense, in accordance with the provisions of Sections 8.10-8.11.

Section 11. Enforcement

- 11.1 Any owner or operator who violates any provision of this By-Law shall be subject to a fine of up to five hundred dollars (\$500.) for each offense. Each day during which

such violation continues shall constitute a separate offense. This By-Law may be enforced pursuant to M.G.L. Chapter 40, Section 21-D, as amended, by a local police officer or any other officer having police powers. Upon request of the Board of Health, the Board of Selectmen, Town Counsel shall take such legal action as may be necessary to enforce this By-Law.

- 11.2 In the event of any violation of this By-Law by the owner or operator of a storage facility, the Board of Health, instead of or in addition to requesting enforcement under Subsection 11.1, may revoke or suspend the owner's permit or may require more frequent testing than would otherwise be required under Section 8; and if a permit is revoked or if a storage facility has been installed or maintained without a permit, the Board may order that the storage facility be removed from the ground. Before revoking or suspending an owner's permit, or requiring removal of a storage facility from the ground, the Board shall hold a public hearing on the proposed action; shall give the owner at least fourteen (14) calendar days notice of the hearing by certified mail; and shall make its decision in writing with a brief statement of the reasons for its decision.

Section 12. Variances

- 12.1 The Board of Health may, after a public hearing, vary the application of any provision of this By-Law, unless otherwise required by law, when, in its opinion, the applicant has demonstrated that an equivalent degree of protection will still be provided to public and private water supplies. Notice of the hearing shall be given by the Board, at the applicant's expense, at least fourteen (14) calendar days prior thereto, by certified mail to all abutters to the property at which the owner's storage facility is located and by publication in a newspaper of general circulation in the town. The notice shall include a statement of the variance sought and the reasons therefor. Any grant or denial of a variance shall be in writing and shall contain a brief statement of the reasons for the grant or denial.

Section 13. Severability

- 13.1 The invalidity of any provision of this By-Law shall not affect the validity of the remainder."

* State licensing, although preferable to certification by the manufacturer, is currently not provided for under state law.

Board of Selectmen

ARTICLE 10. To see if the Town will vote to raise and appropriate a sum of money for a new ambulance, and determine whether the money shall be provided for by taxation, by borrowing, by transfer from available funds, or by a combination thereof, or act in any way relating thereto.

Board of Selectmen

ARTICLE 11. To see if the Town will vote to raise and appropriate a sum of money to provide for additional salaries, wages and supplementary benefits for employees of the Fire Department for the fiscal year which began July 1, 1984 and ended June 30, 1985, and determine whether the money shall be provided for by taxation, by transfer from available funds, or by a combination thereof, or act in any way relating thereto.

Board of Selectmen

ARTICLE 12. To see if the Town will vote to raise and appropriate a sum of money for the purchase of services to perform an annual financial and revenue sharing audit of the Town of Sharon for fiscal year 1985 in accordance with Chapter 44, Section 42, of the General Laws of the Commonwealth, and to determine whether the money shall be provided for by taxation, by transfer from available funds, by a combination thereof, or act in any way relating thereto.

Board of Selectmen

ARTICLE 13. To see if the Town will vote to raise and appropriate a sum of money for the purpose of paying legal services bills due for fiscal year 1985 not previously paid, and determine whether the money shall be provided for by taxation, by transfer from available funds, or by a combination thereof, or act in any way relating thereto.

Board of Selectmen

ARTICLE 14. To see if the Town will vote to accept Section 13 of Chapter 188 of the Massachusetts General Laws, or act in any way relating thereto.

of the Acts of 1985

School Committee

ARTICLE 15. To see if the Town will vote to establish an Employee Health Insurance budget, and that a sum of money

be transferred from the Insurance budget to that budget, or act in any way relating thereto.

Board of Selectmen

ARTICLE 16. To see if the Town will vote to authorize the Selectmen to accept and expend any grants of financial assistance from either or both federal and state departments or agencies for acquisition of blood alcohol content analyzing equipment, or act in any way relating thereto.

Board of Selectmen

ARTICLE 17. To see whether the Town will vote to accept General Laws, Chapter 64-G, Section 3-A, to impose a local room occupancy excise at the rate of _%, or act in any way relating thereto.

Board of Selectmen

ARTICLE 18. To see if the Town will vote to authorize the Selectmen to purchase, take by eminent domain proceedings, or otherwise acquire for highway purposes:

A parcel as shown on a plan entitled "Proposed Land Taking Plan" dated February 27, 1985 by the Town of Sharon Engineering Department and on file at the office of the Town Clerk, being a portion of land belonging to Anthony F. Delapa, et ux, said plan being described as follows:

Beginning at the northwesterly corner of the parcel on the southwesterly side of Billings Street and running S 53°-48'-40" E 70.00 feet along Billings Street to a point, thence turning and running N 59°-20'-28" W 62.22 feet along remaining land of Delapa to a point, thence running N 53°-48'-40" W 7.63 feet along land of Delapa to land of Norfolk County Trust Company, thence turning and running N 32°-00'-55" E 6.01 feet by land of Norfolk County Trust Company to the point of beginning, said parcel containing 233 square feet, more or less;

in order to widen Billings Street at this location, and adopt said widening, as laid out by the Selectmen, as part of the public way known as Billings Street, and raise and appropriate a sum of money for said highway purposes, or act in any way relating thereto.

Board of Selectmen

ARTICLE 19. To see if the Town will vote to amend Section 32 of Article 10, Police Regulations (added under Article 35 of the warrant for the 1985 Annual Town Meeting) of the General By-Laws by deleting paragraph E thereof and by substituting in its place the following paragraph, or act in any way relating thereto:

"E. Any person violating any of the provisions of this section shall be punished by a fine, established under the provisions of G.L. Chapter 90, Section 20-A $\frac{1}{2}$, not exceeding fifteen dollars, if paid to the Town's Parking Clerk within twenty-one days, twenty dollars if paid thereafter but before the Parking Clerk reports to the Registrar of Motor Vehicles as provided in said Section 20-A $\frac{1}{2}$, and thirty-five dollars if paid thereafter."

Board of Selectmen

ARTICLE 20. To see if the Town will vote to amend Section 31, Article 10, Police Regulations, of the General By-Laws (added under Article 34 of the warrant for the 1985 Annual Town Meeting), by deleting paragraph C thereof and by substituting in its place the following paragraph, or act in any way relating thereto:

"C. Any person violating any of the provisions of this section shall be punished by a fine, established under the provisions of G.L. Chapter 90, Section 20-A $\frac{1}{2}$, not exceeding fifteen dollars, if paid to the town's Parking Clerk within twenty-one days, twenty dollars if paid thereafter but before the Parking Clerk reports to the Registrar of Motor Vehicles as provided in said Section 20-A $\frac{1}{2}$, and thirty-five dollars if paid thereafter."

Board of Selectmen

ARTICLE 21. To see if the Town will vote to accept Section 41-B of Chapter 41 of the Massachusetts General Laws.

Board of Selectmen

And you are directed to serve this Warrant by posting attested copies of the same in accordance with the Town By-Laws.

Hereof fail not, and make due return of this Warrant with your doings thereon, at the time and place of meeting aforesaid.

Given under our hands this 3rd day of October, A.D. 1985.

MICHAEL L. COOK, Chairman

S.W. FALK

COLLEEN M. TUCK

BOARD OF SELECTMEN
SHARON, MASSACHUSETTS

Attest: Bernard F. Coffey, Constable
Sharon, Massachusetts
October 3, 1985

ARTICLE II. The seal of the Town will have the design
Section 41-B of Chapter 41 of the Massachusetts General
Laws.

Board of Selectmen

The year was divided in order to have the Board of
Selectmen of the town in accordance with the Town of
Laws.

For the last year, and with the return of this Board with
the Board of Selectmen, of the first and place of meeting at the
Laws.

Given under my hand this 1st day of October, A.D. 1955.

WILLIAM J. COOK, Chairman

E. A. TALK

COLEMAN H. TUCK

BOARD OF SELECTMEN
TOWN OF BARNSTABLE

Attest: Bernard J. Coffey, Town Clerk
Barnstable, Massachusetts
October 1, 1955